

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

United States of America, Plaintiff, vs. Brandon Scott Thomas, Defendant.	7:16-cr-17
---	------------

PROCEEDINGS HELD BEFORE
THE HONORABLE ELIZABETH K. DILLON, JUDGE

June 17, 2016
1:52 p.m. to 2:55 p.m.
Roanoke, Virginia
Guilty Plea
Probation: Lollie Burns

Appearances:

United States Attorneys Office
PO Box 1709
Roanoke, Virginia 24008
BY: Laura Day Rottenborn, AUSA
540-857-2250
Counsel on behalf of the government

Terry N. Grimes, PC
320 Elm Avenue
Roanoke, Virginia 24016
BY: Terry N. Grimes, Esq.
540-982-3711
Counsel on behalf of the defendant

REPORTED BY:

JANELLE A. MUNDY
PO Box 6015
Christiansburg, VA 24068
(540) 312-9873

1 (June 17, 2016, 1:52 p.m.)

2
3 P R O C E E D I N G S
4

5 THE COURT: Good afternoon. Ask Ms. Dozer
6 to please call the case.

7 MS. CLERK: United States of America v.
8 Brandon Scott Thomas, criminal action number 7:16-cr-17,
9 defendant number four.

10 THE COURT: Ms. Rottenborn, is the United
11 States ready to proceed?

12 MS. ROTTENBORN: Yes, Your Honor.

13 THE COURT: Mr. Thomas ready to proceed?

14 MR. GRIMES: Yes, Your Honor.

15 THE COURT: I understand that Mr. Thomas is
16 considering entering a guilty plea at this hearing to
17 counts one, six, eight, nine and 13 to the second
18 superseding indictment pursuant to a written plea
19 agreement. Is that right?

20 MR. GRIMES: That's correct, Your Honor.

21 THE COURT: Ms. Rottenborn, have the victims
22 of the offense been notified of the hearing and the
23 right to attend?

24 MS. ROTTENBORN: Yes, Your Honor. To the
25 extent that notification has been possible it has been

1 made. In the event it's not possible, our reasonable
2 best efforts have been applied.

3 THE COURT: Any victims who want to be
4 heard?

5 MS. ROTTENBORN: Not to my knowledge, Your
6 Honor.

7 THE COURT: Thank you. Mr. Grimes, if you
8 and Mr. Thomas would approach the podium, please. In a
9 few moments, Mr. Thomas, you will be placed under oath so I
10 can ask you some questions. The questions will help me
11 make sure you understand what this proceeding is about.
12 To make sure you understand what a plea of guilty means
13 with regard to your rights and what rights you are
14 giving up if you plead guilty; the consequences of your
15 guilty plea in other words.

16 If you do not understand any of my questions
17 or do not agree with something that's said, I want you
18 to tell me. Will you do that?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: It's very important that you
21 understand and that you let me know if you disagree with
22 something that's said. I want to also make sure you're
23 entering this plea voluntarily. If you don't tell me
24 that you don't understand or if you disagree, I'm going
25 to assume that you agree with what is said and you

1 understand what is said.

2 Now Mr. Grimes is here with you today. At
3 any time you may -- just let me know, and we'll stop the
4 proceedings. You may consult with him and ask him any
5 questions you have.

6 THE DEFENDANT: That's fine.

7 THE COURT: As you have been doing, I need
8 you to speak up, because we are making a record of this
9 proceeding. So make sure you just don't nod your head
10 and speak up so everyone can hear you. Will you do that
11 for me?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Please administer the oath, Ms.
14 Dozer.

15 BRANDON SCOTT THOMAS, having been first duly
16 sworn, was examined and testified as follows:

17 THE COURT: All right. Mr. Thomas, do you
18 understand that you are now under oath. If you answer
19 any questions falsely, you can be prosecuted for perjury
20 or making false statements and your answers can be used
21 against you. Do you understand that?

22 THE WITNESS: Yes, ma'am.

23 THE COURT: I'm going to ask you some
24 questions about your general background; questions to
25 determine whether you're competent to enter a plea today

1 and understand what you're doing. First, what is your
2 full name?

3 THE WITNESS: Brandon Scott Thomas.

4 THE COURT: Where were you born?

5 THE WITNESS: Roanoke, Virginia.

6 THE COURT: You obviously speak English and
7 understand the English. Can you read and write?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Can you hear me clearly today?

10 THE WITNESS: Yes, ma'am.

11 THE COURT: How old are you?

12 THE WITNESS: Twenty-five years of age.

13 THE COURT: How far did you go in school?

14 THE WITNESS: I completed the ninth grade,
15 dropped out in the tenth. Got my GED.

16 THE COURT: Do you have any condition that
17 prevents you from understanding what I am saying to you
18 today or what Mr. Grimes tells you?

19 THE WITNESS: No, ma'am.

20 THE COURT: Have you ever been treated for
21 mental illness or emotional problem?

22 THE WITNESS: Not as of yet.

23 THE COURT: Do you believe that you have a
24 mental illness or emotional problem that needs to be
25 treated?

1 THE WITNESS: I'm in the process of that
2 now.

3 THE COURT: Okay. Tell me what does that
4 involve? You are currently being treated?

5 THE WITNESS: Yes, ma'am. At the jail they
6 got me on Zoloft for depression, and I am trying to talk
7 to them about putting me on Lithium.

8 THE COURT: Currently, you're on Zoloft?

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Do you believe that your
11 condition of suffering from depression or the effects of
12 the Zoloft medication, would not make you able to
13 understand what is happening today?

14 THE WITNESS: No, ma'am.

15 THE COURT: Okay. Have you ever been
16 treated for alcohol addiction or addiction to narcotic
17 drugs of any kind?

18 THE WITNESS: No, ma'am; but I am a drug
19 addict.

20 THE COURT: Are you currently under the
21 influence of any drug or medication including prescribed
22 medication other than the Zoloft that you told me about?

23 THE WITNESS: No, ma'am. The Zoloft.

24 THE COURT: Are you under the influence of
25 any alcoholic beverages?

1 THE WITNESS: No, ma'am.

2 THE COURT: Do you have the ability today to
3 think clearly?

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Mr. Grimes, in your opinion is
6 Mr. Thomas competent to enter a plea today?

7 MR. GRIMES: He is, Your Honor.

8 THE COURT: Do you have any doubts or
9 questions about his competency?

10 MR. GRIMES: I do not.

11 THE COURT: Mr. Thomas, you indicate that
12 you're considering pleading guilty to five different
13 counts of the indictment; counts one, six, eight, nine
14 and 13. So I want to review those charges with you. Do
15 you have a copy of the second superseding indictment
16 there with you?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: Have you fully discussed the
19 charges in your case with Mr. Grimes?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Do you understand the charges to
22 which you intend to plead guilty?

23 THE WITNESS: Yes, ma'am.

24 THE COURT: Do you understand that all five
25 of the charges are felonies?

1 THE WITNESS: Yes, ma'am.

2 THE COURT: I am going to go over each of
3 the charges with you. I'm going to read from the
4 charging language and ask you some questions, and then
5 I'll ask the United States to go over the elements of
6 each of those charges.

7 So first with regard to count one:
8 Beginning on a date unknown but at least sometime in
9 November 2015 and continuing thereafter through
10 February 2016, in the Western District of Virginia,
11 Joshua Voress, Tyler Johnson, a/k/a DJ, Noel Phillip
12 Solett, a/k/a Miami, and Brandon Scott Thomas, a/k/a
13 Gambino, did knowingly and intentionally conspire with
14 other persons, both indicted and unindicted to knowingly
15 and intentionally distribute, and possess with intent to
16 distribute, 50 grams or more of methamphetamine or 500
17 grams or more of a mixture or substance containing a
18 detectable amount of methamphetamine, a Schedule II
19 controlled substance, in violation of Title 21, United
20 States Code Section 841(a)(1) and (b)(1)(A). All in
21 violation of Title 21, United States Code Section 846.

22 Mr. Thomas, do you understand what your
23 charged with in count one of the second superseding
24 indictment?

25 THE WITNESS: Yes, ma'am.

1 THE COURT: Has Mr. Grimes explained the
2 elements of that count to you?

3 THE WITNESS: Yes, ma'am.

4 THE COURT: I would ask the government to
5 outline the elements with regard to count one, please.

6 MS. ROTTENBORN: Yes, Your Honor. As you
7 indicated count one charges Mr. Thomas with a drug
8 conspiracy, specifically that he conspired with others
9 to distribute or possess with intent to distribute
10 either 500 grams or more of a substance containing a
11 detectable amount of methamphetamine or 50 grams or more
12 of actual methamphetamine. The elements of that crime
13 are that, one, that two or more persons agreed to
14 violate the federal drug laws; two, that Mr. Thomas knew
15 the essential objective of the conspiracy; three, that
16 Mr. Thomas knowingly and voluntarily involved himself in
17 the conspiracy; four, that there was interdependence
18 among the members of the conspiracy; and five, that the
19 overall scope of the conspiracy involved 500 grams or
20 more of a substance containing a detectable amount of
21 methamphetamine or 50 grams or more of actual
22 methamphetamine.

23 THE COURT: Mr. Thomas, do you understand
24 the elements of this offense?

25 THE WITNESS: Yes, ma'am.

1 THE COURT: Now, we are going to go over
2 counts six and eight. I'll read those one after the
3 other.

4 Count six, with regard to sex-trafficking by
5 force, fraud or coercion. On a date not known to the
6 grand jury that in or around January 2016, in the
7 Western District of Virginia, Brandon Scott Thomas,
8 a/k/a Gambino, the defendant did knowingly recruit,
9 entice, harbor, transport, provide, obtain, advertise,
10 maintain, patronize, and solicit by any means in and
11 affecting interstate commerce, V1, knowing or in
12 reckless disregard of the fact that force, threats of
13 force, fraud or coercion as described in Title 18,
14 United States Code Section 1591(e)(2) or any combination
15 of such means, would be used to cause V1 to engage in a
16 commercial sex act. All in violation of Title 18,
17 United States Code Section 1591(a)(1), (b)(1).

18 With regard to count eight, sex-trafficking
19 by fraud, force or coercion. On a date not known to the
20 grand jury, but in or around August 2015 through in or
21 around January 2016, in the Western District of
22 Virginia, Brandon Scott Thomas, a/k/a Gambino, the
23 defendant, did knowingly recruit, entice, harbor,
24 transport, provide, obtain, advertise, maintain,
25 patronize and solicit by any means, in and affecting

1 interstate commerce V3, knowing or in reckless disregard
2 of the fact that force, threats of force, fraud or
3 coercion as described in Title 18, United States Code
4 section 1591(e)(2), or any combination of such means,
5 would be used to cause V3 to engage in a commercial sex
6 act. All in violation of Title 18, United States Code
7 Section 1591(a)(1), (b)(1).

8 Has Mr. Grimes, Mr. Thomas, explained to you
9 the elements with regard to count six and count eight?

10 THE WITNESS: Yes, ma'am.

11 THE COURT: I would ask the government to
12 outline those elements, please.

13 MS. ROTTENBORN: Yes. The elements for
14 counts six and eight are as follows. Number one, that
15 Mr. Thomas knowingly either recruited, enticed,
16 harbored, transported, provided, obtained, maintained,
17 advertised, patronized or solicited the victim
18 identified in the account in the indictment; two, that
19 Mr. Thomas knew or recklessly disregarded the fact that
20 force, threats of force, fraud or coercion as those
21 words are further defined by the statute or any
22 combination of those means, would be used to cause a
23 victim identified in the indictment to engage in a
24 commercial sex act. And lastly number three, that the
25 offense was in or affecting interstate or foreign

1 commerce.

2 THE COURT: Mr. Thomas, do you understand
3 the elements of count six and eight?

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Moving onto count nine,
6 conspiracy to engage in sex-trafficking. On a date not
7 known to the grand jury that in or around July 2016
8 through in or around February 2016, in the Western
9 District of Virginia, Brandon Scott Thomas, a/k/a
10 Gambino, willfully and knowingly combined, conspired,
11 confederated and agreed with other persons whose
12 identities are known or unknown to the grand jury to
13 commit the following offenses against the United States,
14 to wit: to knowingly recruit, entice, harbor,
15 transport, provide, obtain, advertise, maintain,
16 patronize or solicit by any means, in and affecting
17 interstate commerce, a person or persons, including V1,
18 V2, V3 and/or V4 knowing or in reckless disregard of the
19 facts that force, threats of force, fraud or coercion as
20 described in Title 18, United States Code Section 1591
21 (e)(2), or any combination of such means, would be used
22 to cause such person to engage in a commercial sex act,
23 in violation of Title 18 United States Code Section 1591
24 (a)(1); and did benefit financially or by receiving
25 anything of value from participation in a venture which

1 has engaged in knowingly recruiting, enticing,
2 harboring, transporting, providing, obtaining,
3 advertising, maintaining, patronizing and soliciting by
4 any means, in and affecting interstate commerce, a
5 person or persons including V1, V2, V3 and/or V4 knowing
6 or in reckless disregard of the fact that force, threats
7 of force, fraud or coercion as described in Title 18,
8 United States Code Section 1591(e)(2), or any
9 combination of such means would be used to cause such
10 person to engage in a commercial sex act, in violation
11 of Title 18, United States Code Section 1591(a)(2).

12 Ways, Means and Manner of the Conspiracy.

13 It is a part of the conspiracy that Brandon Scott
14 Thomas, a/k/a Gambino, ran a prostitution enterprise.
15 It was a part of the conspiracy that Brandon Scott
16 Thomas, a/k/a Gambino, would participate in the posting
17 of prostitution advertisements on the internet at
18 www.backpage.com by accepting his Backpage account
19 through his email address on his or others' cellular
20 phones.

21 It was part of the conspiracy that Brandon
22 Scott Thomas, a/k/a Gambino, would recruit, solicit,
23 obtain and entice females for prostitution and for the
24 separate purpose of having them engage in sex acts with
25 him by providing the females with controlled substances,

1 including heroin and methamphetamine.

2 It was a part of the conspiracy that Brandon
3 Scott Thomas, a/k/a Gambino, provided controlled
4 substances, including heroin and methamphetamine to the
5 females, including V1, V2 and V3, for their personal
6 use, which kept them chemically dependent to entice
7 their performance of prostitution services and to reward
8 them when prostitution services were performed.

9 It was a part of the conspiracy that Brandon
10 Scott Thomas, a/k/a Gambino, withheld controlled
11 substances rendering the females dope sick, if they were
12 not making sufficient amounts of money through
13 prostitution services.

14 It was a part of the conspiracy that Brandon
15 Scott Thomas, a/k/a Gambino, threatened physical force
16 and used physical force, including slapping, punching,
17 choking and pistol-whipping to compel the females to
18 engage in prostitution services.

19 It was a part of the conspiracy that Brandon
20 Scott Thomas, a/k/a Gambino, a convicted felon carried
21 and brandished a firearm in furtherance of his drug
22 trafficking and prostitution enterprises.

23 It was a part of the conspiracy that Brandon
24 Scott Thomas, a/k/a Gambino, used the proceeds of the
25 prostitution enterprise to buy controlled substances,

1 including but not limited to heroin and methamphetamine,
2 distributing those controlled substances on the street
3 for additional profit.

4 It was a part of the conspiracy that Brandon
5 Scott Thomas, a/k/a Gambino, recruited, solicited,
6 advertised, enticed, harbored, transported, provided,
7 obtained and/or maintained females by means or
8 facilities of interstate commerce, included but not
9 limited to cellular telephone service, on the internet
10 at www.backpage.com, through cellular phone applications
11 such as TextNow, and over internet-based social media
12 such as Facebook.

13 Overt Acts in Furtherance of a Conspiracy.

14 In furtherance of the conspiracy, between July 2015 and
15 February 2016, Brandon Scott Thomas, a/k/a Gambino,
16 distributed controlled substances, including heroin and
17 methamphetamine to V1, V2 V3 and others. In furtherance
18 of the conspiracy, between July 2015 and February 2016,
19 Brandon Scott Thomas, a/k/a Gambino, used his account to
20 post advertisements on www.backpage.com for prostitution
21 services by V1, V2, V3 and V4, among others, which
22 services were performed in the Western District of
23 Virginia and that Brandon Scott Thomas, a/k/a Gambino,
24 collected proceeds from those prostitution services.
25 All in violation of Title 18, United States Code Section

1 1594(c). All in violation of Title 21, United States
2 Code section 841(a)(2) -- ignore that last part. All in
3 violation of Title 18, United States Code section
4 1594(c).

5 Has Mr. Grimes explained to you the elements
6 of count nine?

7 THE WITNESS: Yes, ma'am.

8 THE COURT: Ms. Rottenborn.

9 MS. ROTTENBORN: Yes, Your Honor. Count
10 nine is a conspiracy charge and as such the elements of
11 that crime are that the defendant, Mr. Thomas, knowingly
12 conspired; that is to say, that he agreed with one other
13 person to violate 18 United States Code Section 1591,
14 whose elements have previously been enumerated.

15 THE COURT: Thank you. And Mr. Thomas, do
16 you understand the elements of count nine?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: Count 13, reading from the
19 second superseding indictment. On a date unknown to the
20 grand jury but sometime between July 2015 and
21 February 2016 in the Western District of Virginia,
22 Brandon Scott Thomas, a/k/a Gambino, knowingly possessed
23 a firearm in furtherance of a drug trafficking crime or
24 a crime of violence for which he may be prosecuted in
25 the court of the United States. All in violation of

1 Title 18, United States Code Section 924(c)(1)(A).

2 Has Mr. Grimes explained to you the elements
3 of count 13?

4 THE WITNESS: Yes, ma'am.

5 THE COURT: I ask the government to outline
6 those elements, please.

7 MS. ROTTENBORN: Yes. The elements of that
8 count are as follows: One, that Mr. Thomas committed
9 the elements of a drug-trafficking crime that is
10 prosecutable in federal court; two, that Mr. Thomas
11 knowingly carried or possessed a firearm; three, that
12 the carrying of the firearm was during and in relation
13 to or the possession of a firearm was in furtherance of
14 Mr. Thomas' drug-trafficking crime.

15 THE COURT: Mr. Thomas, do you understand
16 the elements of the offense listed in count 13?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: Do you understand that a plea of
19 guilty means that you are agreeing that you did the
20 things charged in each of these five counts?

21 THE WITNESS: Yes, ma'am.

22 THE COURT: All right. What I want to do
23 now is go over the possible penalties for each of these
24 offenses with you. Because this is a drug offense, I
25 first want to ask the government and confirm that the

1 United States has not filed any notice of a prior drug
2 felony under Title 21, United States Code Section 851.
3 Is that correct?

4 MS. ROTTENBORN: That's correct, Your Honor.

5 THE COURT: Mr. Thomas, so now I'm going to
6 go over the possible penalties for each of the offenses
7 to which you are intending to plead guilty, and we'll go
8 over them one by one.

9 First, as to the drug conspiracy in count
10 one. The maximum possible penalty provided by law for
11 count one is a term of imprisonment of life and also has
12 a mandatory minimum term of imprisonment of ten years.

13 Count one has a maximum fine of \$10 million.
14 You're required a term of supervised release of at least
15 five years and a supervised release term could be up to
16 life.

17 For counts six and eight, which charges you
18 with separate counts of sex-trafficking by fraud, force
19 or coercion, the penalties are the same for each count.
20 Specifically, each count has a maximum possible penalty
21 for a term of imprisonment of life. Each count also has
22 a mandatory minimum term of imprisonment of 15 years.
23 Each count has a maximum fine of \$250,000, requires a
24 term of supervised release of at least five years and a
25 supervised release term could be for life.

1 For count nine, which charges you with
2 conspiring to commit sex-trafficking by fraud, force or
3 coercion, the maximum possible penalty provided by law
4 is a term of imprisonment of life and has no mandatory
5 minimum term of imprisonment. It has a maximum fine of
6 \$250,000. It requires a term of supervised release of
7 at least five years but the supervised release term
8 could be up to life.

9 For count 13, which charges you with
10 possessing a firearm in furtherance of a drug
11 trafficking crime, the maximum possible penalty is a
12 term of imprisonment of life. It requires a mandatory
13 minimum term of imprisonment of five years, which must
14 run consecutively to any other sentence imposed. By
15 consecutively, the term must be served in addition to
16 and after any other sentence imposed.

17 Each of the five counts also requires the
18 Court to impose a mandatory special assessment of \$100
19 per count for a total of \$500.

20 Additionally, the special assessment
21 provision Title 18, United States Code Section 3014,
22 would apply to this case; and so, unless the Court finds
23 that you are indigent you will be required to pay an
24 additional assessment of \$5,000 pursuant to that
25 statute, which may apply to each count of sex-

1 trafficking for a total of \$15,000.

2 Also for any and all of these counts, the
3 Court may order you to pay -- to make restitution to the
4 victims of the offense and require you to forfeit
5 certain property to the government. Fees maybe imposed
6 to pay for incarceration and supervised release. I also
7 advise you, Mr. Thomas, a sentence of probation is not
8 available for any of these offenses.

9 Counsel, are there any penalties that I have
10 not mentioned?

11 MS. ROTTENBORN: Yes, Your Honor. If I may
12 be heard briefly, please.

13 THE COURT: You certainly may.

14 MS. ROTTENBORN: I may have overlooked it
15 but as to count 13, the conviction under 18 USC 924(c)
16 there is also a maximum fine of up to \$250,000. And
17 with respect to the conviction under counts six, eight
18 and nine, a consequence of Mr. Thomas' conviction under
19 those counts will be that he is obligated to register as
20 a sex offender and subject to sex offender registry
21 provision.

22 THE COURT: I should have mentioned it. Do
23 you understand, Mr. Thomas, that a plea of guilty to
24 those counts would deem you a sex offender, and you'd
25 have to register as a sex offender?

1 THE WITNESS: Yes, ma'am.

2 THE COURT: Also with regard to count nine,
3 the maximum fine would be \$250,000 with regard to count
4 nine. I thought I had mentioned that, but I could have
5 overlooked that. Mr. Grimes, any penalties that I
6 failed to mention?

7 MR. GRIMES: No, Your Honor.

8 THE COURT: Mr. Thomas, do you understand
9 these penalties are a consequence of your plea?

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Has Mr. Grimes fully explained
12 them to you?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: I have a copy of the written
15 plea agreement. Are there any differences between the
16 version that the Court has and the version that you're
17 asking me to consider today and sign?

18 MS. ROTTENBORN: Your Honor, there are no
19 differences, aside from the fact that it is my
20 understanding that Mr. Thomas now initialed the two
21 hand-written clarifications that were made and copies
22 submitted to the Court.

23 THE COURT: Will you please briefly
24 summarize the terms of the agreement for the record.

25 MS. ROTTENBORN: Yes, Your Honor. Would you

1 like me to do so from here or would you like me to
2 approach.

3 THE COURT: I can hear you, if you would
4 like to stay there. I can hear you from there.

5 MS. ROTTENBORN: I am going to start on page
6 one of the plea agreement. Mr. Grimes says Mr. Thomas
7 has a copy that he can follow along with?

8 MR. GRIMES: Yes.

9 MS. ROTTENBORN: Starting at the very first
10 paragraph it states he has agreed to enter into a plea
11 agreement with the United States of America pursuant to
12 Rule(c)(1)(C) of the Federal Rules of Criminal Procedure
13 whereby you will plead guilty to counts one, six, eight,
14 nine and 13 of the second superseding indictment in
15 exchange for a sentence of imprisonment of between 240
16 and 324 months; that is, it's between 20 years and
17 27 years. You agree in the very first paragraph of the
18 plea agreement that a sentence of imprisonment between
19 240 months and 324 months is a reasonable sentence for
20 the conduct charged in the second superseding
21 indictment, considering all of the facts and
22 circumstances of your case.

23 Moving on down the page. You agree in
24 section A1 that your attorney, Mr. Grimes, has informed
25 you of the nature of the charges and the elements of the

1 charges that must be proved by the government beyond a
2 reasonable doubt before you can be found guilty as
3 charged. Going down the page. You state that you
4 understand that whatever sentence you receive within the
5 agreed upon range, is left to the Court's discretion.

6 We now turn to page two of the plea
7 agreement. Starting at the top. The agreement states
8 that as discussed in further detail the government is
9 retaining its right pursuant to Federal Rule of Criminal
10 Procedure 35B, the United States Sentencing Guideline
11 section 5K1.1 and 18 United States Code Section 3553(e),
12 these are the provisions that govern substantial
13 assistance. In the event that the government elects to
14 make a motion for substantial assistance, under any of
15 these provisions, that you are stating that you
16 understand that the Court could sentence you to a period
17 of incarceration less than 240 months. But you also are
18 stating that you understand and stipulate that if the
19 United States makes such a motion that you will not seek
20 a reduction in your sentence that would bring your total
21 period of incarceration below 200 months. Accordingly,
22 you are stating that you understand that if the Court
23 accepts your guilty plea, pursuant to this Rule 11
24 (c)(1)(C) plea agreement, and even if the government
25 makes a motion for substantial assistance and it has no

1 obligation to do so, then you will in all likelihood be
2 sentenced to a period of incarceration between 200
3 months, which is approximately 16.6 years and 324
4 months, which is 27 years.

5 The rest of page two state the charges which
6 you are pleading guilty and the elements of those
7 charges.

8 If your turn to page three at the end of
9 that section, you state that you understand that
10 restitution maybe ordered as part of the sentence and
11 that you are pleading guilty as described, because you
12 are, in fact, guilty because you believe it's in your
13 best interest to do so and not because of any threats or
14 promises.

15 We now get to section two, which talks about
16 your constitutional rights. You're acknowledging that
17 you have all of your rights explained to you. And you
18 are expressly recognizing certain constitutional rights
19 that you are waiving as a result of your voluntary
20 guilty plea.

21 If you move onto section three, that's the
22 dismissal of counts provision, which states if you
23 comply with the obligations of this plea agreement that
24 the government would move at your sentencing hearing to
25 dismiss you as a defendant in the remaining counts to

1 the second superseding indictment.

2 If you move on to page four it talks about
3 the sentencing provisions. Specifically, in paragraph
4 C1 under general matters. It states, again, that you
5 and the government have agreed to a total period of
6 incarceration between 240 months and 324 months and that
7 the parties agree that this is a reasonable sentence
8 considering all of the facts and circumstances of this
9 case. You understand that the Court must sentence you
10 within this range or reject the plea agreement. If and
11 only if the Court rejects the plea agreement, will you
12 been given an opportunity to withdraw your guilty plea.

13 At the end of section B1 you also state your
14 understanding that you are not eligible for parole
15 during any term of imprisonment imposed because there is
16 no parole in the federal system.

17 Moving onto the bottom of page four, section
18 B2, sentencing guidelines. At this point in the plea
19 agreement, the parties have stipulated to the
20 application of sentencing guidelines as further
21 discussed on page five. Because this is a plea
22 agreement under Rule 11(c)(1)(C), the sentencing
23 guidelines are advisory to the Court.

24 If your turn to page six of the plea
25 agreement, there is now a separate provision regarding

1 substantial assistance and the intent of that provision
2 is to reiterate the paragraph at the very beginning of
3 the plea agreement that governs the substantial
4 assistance agreement we have reached as part of this
5 plea agreement.

6 At the bottom of page six, section four,
7 commencing monetary obligations. And this states you
8 understand there will be certain special assessments
9 that may apply to certain of your convictions in this
10 case, and that you have agreed to pay restitution for
11 the entire scope of your criminal conduct.

12 Page eight discusses financial matters and
13 page nine discusses collection matters with respect to
14 payments of those assessments, restitution and any fine
15 the Court may or may not impose. If you get to page
16 nine, section C, entitled additional matters, C1 is
17 entitled waiver of right to appeal. In this section you
18 are acknowledging that you have certain rights of appeal
19 and you are expressly waiving those rights. The plea
20 agreement states that notwithstanding any language to
21 the contrary, you are not waiving any right to appeal or
22 have your attorney file a notice of appeal as to any
23 issues which cannot be waived by law. But you are
24 otherwise waiving your appellate rights.

25 At the top of page ten, the waiver of right

1 to collaterally attack. Here you are agreeing and
2 understanding you will not file any type of habeas
3 petition or 2255 petition, except based on an appeal you
4 cannot waive by law.

5 If you turn to page 11, there are certain
6 special conditions of your period of supervised release
7 that will follow your period of incarceration and those
8 provisions include your registration as a sex offender.

9 If you please turn to page 12, there are
10 additional obligations that will apply to you as a
11 result of your signature on this plea agreement and
12 those obligations continue onto page 13. On page 13
13 there is a section D entitled remedies available to the
14 United States. And these are all of the remedies that
15 the government has available to it in the event that you
16 violate this plea agreement.

17 Page 14 of the plea agreement, under general
18 provisions, section E3 entitled effective
19 representation. Here it states that you have discussed
20 the terms of this plea agreement and all matters
21 pertaining to the charges against you with your
22 attorney, in this case Mr. Grimes, and that you are
23 fully satisfied with your attorney and attorney's
24 advice.

25 On page 15, the last page of the plea

1 agreement, you state that you willingly stipulate there
2 is a sufficient factual basis to support each and every
3 material allegation contained in the charging document
4 which you are pleading guilty. You also state that you
5 have carefully read and reviewed every part of this plea
6 agreement with your attorney and have not been forced,
7 threatened, or promised anything other than the terms of
8 this plea agreement in exchange for your plea of guilty.
9 You state you are aware of all the possible consequences
10 of your plea and have independently decided to enter a
11 plea of your own free will and you have affirmed that
12 agreement with your signature below.

13 THE COURT: Thank you, Ms. Rottenborn. Has
14 the government accurately stated the terms of the
15 agreement?

16 MR. GRIMES: Yes, Your Honor.

17 THE COURT: Mr. Thomas, the government has
18 described the key terms of the plea agreement here in
19 open court and the agreement has been reduced to
20 writing. I understand you have a copy in front of you;
21 is that correct?

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Did you sign that agreement
24 indicating that you agreed with it?

25 THE WITNESS: Yes, ma'am.

1 THE COURT: Did you initial each page?

2 THE WITNESS: Yes, ma'am.

3 THE COURT: Did you read it and talk to Mr.
4 Grimes about it before you signed it?

5 THE WITNESS: Yes, ma'am.

6 THE COURT: Do you understand the agreement?

7 THE WITNESS: Yes, ma'am.

8 THE COURT: Is there anything about it that
9 you don't understand?

10 THE WITNESS: No, ma'am.

11 THE COURT: Is there anything that you
12 thought was going to be in the agreement that was left
13 out of the agreement?

14 THE WITNESS: No, ma'am.

15 THE COURT: Other than what's in the plea
16 agreement, has anyone made any other or different
17 promise or assurance to you of any kind in the effort to
18 persuade you to accept the agreement?

19 THE WITNESS: No, ma'am.

20 THE COURT: Has anyone forced you or
21 threatened you to sign the agreement?

22 THE WITNESS: No, ma'am.

23 THE COURT: I want to discuss some of the
24 specifics of your plea agreement with you. First, the
25 plea agreement states if you comply with it, the United

1 States will move at sentencing to dismiss the remaining
2 counts of the second superseding indictment. Do you
3 understand if I reject that part of the plea agreement,
4 that I will give you the opportunity to withdraw your
5 guilty plea?

6 THE WITNESS: Yes, ma'am.

7 THE COURT: Do you understand if I accept
8 the plea agreement, the remaining charges against you
9 will be dismissed upon a motion of the government and
10 that dismissal will be included in the judgment of the
11 Court?

12 THE WITNESS: Yes, ma'am.

13 THE COURT: The plea agreement also contains
14 certain guideline stipulations, all of which are set
15 forth on pages four and five of the agreement.
16 Specifically, you and the United States stipulate that
17 the 2015 edition of the guideline manual applies to any
18 sentencing calculations. For count one you and the
19 United States are agreeing that a drug weight of
20 150 grams but less than 500 grams of actual
21 methamphetamine is appropriate and will result in a base
22 offense level of 32. You also agree that there will be
23 a two-level increase to the base offense level for use
24 of violence and another two-level increase under
25 guideline section 3C1.1 for obstruction of justice.

1 For counts six and eight, the parties agree
2 that the base offense level under 2G1.1 is 34. You
3 should receive a two-level increase under guideline
4 section 3B1.1C for your role in the offense and should
5 receive another two-level increase under guideline
6 section 3C1.1 for obstruction of justice.

7 Count nine, you and the United States agree
8 that the base offense level under guideline 2X1.1 should
9 be cross-referenced to guideline section 2G1.1. We
10 further agree that counts six and eight the base offense
11 level under 2G1.1 is 34, and you should receive a
12 two-level increase under guideline section 3B1.1C for
13 your role in the offense and you receive another
14 two-level increase under guideline section 3C1.1 for
15 obstruction of justice.

16 Lastly, for count 13, the possessing of a
17 firearm in furtherance of a drug-trafficking crime. You
18 will agree that the offense level is governed by 2K2.4
19 and that the guideline sentence is a minimum term of
20 imprisonment required by statute, which is five years to
21 be served consecutive to any other sentence. The
22 government also agrees that if you abide by the
23 agreement, it will recommend to the Court that you
24 receive a total reduction of three levels for acceptance
25 of responsibility.

1 Do you understand, Mr. Thomas, that all of
2 these guideline stipulations that I just discussed, are
3 an agreement between you and the government and those
4 guideline stipulations are not binding on the Court?

5 THE WITNESS: Yes, ma'am.

6 THE COURT: At sentencing, the Court is free
7 to disagree with those guideline stipulations based on
8 the presentence report, the law and the facts. Do you
9 understand that?

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Do you understand that I can
12 reject some or all of the guideline stipulation
13 recommendations without permitting you to withdraw your
14 guilty plea?

15 THE WITNESS: Yes, ma'am.

16 THE COURT: Your plea agreement provides
17 that the Court will be bound to sentence you within a
18 specific sentencing range. Specifically your agreement
19 provides that the Court will be required to impose a
20 total period of incarceration between 240 months and
21 324 months, which is 20 years to 27 years. The only
22 exception is that if the United States files a motion
23 for substantial assistance and it has sole discretion as
24 to whether to file such a motion. But if it does, then
25 you agree not to seek a total period of incarceration

1 below 200 months. Do you understand that if the Court
2 accepts the Rule 11(c)(1)(C) plea agreement, you will be
3 sentenced within the range as specified in your
4 agreement?

5 THE WITNESS: Yes, ma'am.

6 THE COURT: Do you understand if I choose
7 not to follow the terms of the plea agreement and not to
8 accept the plea agreement with regard to the term of
9 imprisonment to be imposed, I will give you the
10 opportunity to withdraw your plea?

11 THE WITNESS: Yes, ma'am.

12 THE COURT: Do you understand that if you
13 are given the choice to withdraw your plea and you
14 choose not to do so, the Court may impose a greater
15 sentence than found in your plea agreement?

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Do you want the Court to accept
18 the plea agreement?

19 THE WITNESS: Yes, ma'am.

20 THE COURT: Mr. Grimes, were all formal plea
21 offers by the government made to Mr. Thomas?

22 MR. GRIMES: Yes, Your Honor.

23 THE COURT: Do you understand, Mr. Thomas,
24 that the offenses to which you are pleading guilty are
25 felonies? If your plea is accepted, you'll be adjudged

1 guilty of those offenses and that adjudication may
2 deprive you of valuable civil rights; such as the right
3 to vote, the right to hold public office, the right to
4 serve on a jury and the right to possess any kind of
5 firearm?

6 THE WITNESS: Yes, ma'am.

7 THE COURT: Do you understand that as we
8 mentioned before, that your conviction for the offenses
9 in counts six, eight and nine, will require you to
10 register as a sex offender and likely result in
11 substantial future restrictions on where you may live or
12 work and with whom you may associate?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: We are not sentencing you today,
15 Mr. Thomas. But I want to go over with you the
16 procedure by which your sentence will be determined. I
17 want you to understand that. If the Court accepts your
18 plea agreement, then it would be bound to sentence you
19 within the range specified in your agreement. In
20 determining your sentence within that range, the Court
21 will consider the following factors: The nature and
22 circumstances of the offense, your history and
23 characteristics, the need for the sentence imposed to
24 reflect the seriousness of the offense, promote respect
25 for the law, provide just punishment, afford adequate

1 deterrence, to protect the public, the kinds of
2 sentences available, the pertinent sentencing guidelines
3 and the pertinent policy statements, the need to avoid
4 unwanted sentencing disparities and the need to provide
5 restitution.

6 If you go forward with a plea of guilty, the
7 United States probation office will prepare a thorough
8 report that will provide me with more information about
9 you and your background in sentencing. That report
10 gives me much more information than I have now. I have
11 very limited information about you now. Mostly it's
12 just based on the offenses. So that information in the
13 report will allow me to have that additional information
14 to assist me in making my sentencing decision.

15 Do you understand, Mr. Thomas, that in the
16 federal system parole has been abolished?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: So if you are sentenced to
19 prison in connection with the conviction of these
20 charges, you would serve your full term less any good
21 time credit earned. Do you understand that?

22 THE WITNESS: Yes, ma'am.

23 THE COURT: We also talked about supervised
24 release. I want to tell you what supervised release is
25 briefly. If you plead guilty and I accept that plea,

1 you maybe sentenced to a period of supervised release
2 following imprisonment and that's in addition to the
3 period of imprisonment imposed. Supervised release is a
4 term that you serve under the supervision of the United
5 States probation office. There will be certain things
6 you must do when you're on supervised release and
7 certain things you can't do.

8 If you violate a condition of supervised
9 release, then you may be resentenced by this Court. The
10 Court can impose an additional prison term, regardless
11 of how much time you already served. If you're
12 resentenced, following a violation of supervised
13 release, you can actually serve a combined total period
14 of incarceration greater than the maximum term that we
15 talked about. Do you understand the effect of
16 supervised release and the potential for increased
17 prison term if you violate conditions of supervised
18 release.

19 THE WITNESS: Yes, ma'am.

20 THE COURT: All right. I want to go over
21 with you important rights, constitutional and procedural
22 rights that you are waiving with regard to the plea
23 agreement, if you plead guilty. You have the right, Mr.
24 Thomas, to plead not guilty, to maintain your plea of
25 not guilty to any offense charged against you. And if

1 you were to plead not guilty, you would have the right
2 to trial by a jury of 12 unbiased jurors and during that
3 trial you would be presumed to be innocent. The United
4 States would have to prove beyond a reasonable doubt
5 that you were guilty of all of the elements of those
6 offenses that we talked about. And all 12 jurors would
7 have to agree to convict you. Do you understand that?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: During that trial you would have
10 the right to assistance of counsel and have counsel
11 appointed, if you could not afford counsel.

12 THE WITNESS: Yes, ma'am.

13 THE COURT: During that trial the witnesses
14 would have to come into court and testify in front of
15 you and your attorney would have the right to ask those
16 witnesses questions and to object to certain testimony
17 and to other evidence as allowed by the rules. You
18 would have the right to present testimony of witnesses
19 and compel them to appear at the trial and introduce
20 other evidence on your behalf. Also, if you wanted, you
21 could testify under oath before the jury and you could
22 also decide not to testify and remain silent. In this
23 Court, the jury could not use your decision to remain
24 silent against you.

25 Do you understand that?

1 THE WITNESS: Yes, ma'am.

2 THE COURT: Do you further understand that
3 by entering a plea of guilty, if that plea is accepted
4 by the Court, there will be no trial. You will have
5 waived your right or given up your right to trial as
6 well as those other important valuable rights that are
7 associated by having a trial that I just described.

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Knowing you'll be giving up all
10 these valuable rights, do you still intend to plead
11 guilty?

12 THE WITNESS: Yes, ma'am.

13 THE COURT: Your plea agreement also
14 contains some waivers that I want to discuss with you,
15 contains an appeal waiver. Do you understand that you
16 are waiving your right to appeal any sentence that I
17 impose?

18 THE WITNESS: Yes, ma'am.

19 THE COURT: Do you understand that the plea
20 agreement states that you will not file a notice of
21 appeal?

22 THE WITNESS: Yes, ma'am.

23 THE COURT: The only exception to that
24 appeal waiver are matters that cannot be waived as a
25 matter of law. Do you understand that?

1 THE WITNESS: Yes, ma'am.

2 THE COURT: Do you understand that the plea
3 agreement provides that if you do file an appeal
4 document except for matters that can't be waived, then
5 that filing constitutes a failure by you to abide by the
6 plea agreement?

7 THE WITNESS: Yes, ma'am.

8 THE COURT: Also it contains a habeas
9 waiver. The plea agreement states you are waiving your
10 right to collaterally attack your plea and your
11 sentence. That means you can't file a separate civil
12 action called a habeas corpus petition later on
13 attacking your plea and sentence. The only exception
14 with regard to a habeas petition is based on ineffective
15 assistance of counsel. Do you understand that the plea
16 agreement provides that if you file any collateral
17 attack or petition other than for ineffective assistance
18 of counsel, that filing constitutes a failure by you to
19 abide by the plea agreement?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Understanding all these rights
22 that you're waiving if you plead guilty, do you still
23 intend to do so?

24 THE WITNESS: Yes, ma'am.

25 THE COURT: Mr. Thomas, you have been

1 represented by Mr. Grimes. Are you fully satisfied with
2 the advice and representation given to you in this case
3 by Mr. Grimes?

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Is there anything you want to
6 ask me or ask him before we continue?

7 THE WITNESS: No, ma'am.

8 THE COURT: Then we want to now talk about
9 the factual basis for the guilty plea. So I would ask
10 the United States to present the facts. Mr. Grimes, Mr.
11 Thomas, would you like to be seated? You have been
12 standing there for awhile.

13 MR. GRIMES: Yes, Your Honor.

14 THE COURT: I ask the United States to
15 present the facts its prepared to prove, if it were to
16 go to trial.

17 MS. ROTTENBORN: Yes, Your Honor.

18 THE COURT: Mr. Grimes, do you have any --

19 MR. GRIMES: No, Your Honor.

20 MS. ROTTENBORN: It's my understanding that
21 the parties agreed to the agreed statement of facts and
22 the government is going to proffer those facts as
23 evidence that it would prove beyond a reasonable doubt,
24 if it were to submit that evidence at trial in this
25 matter.

1 In the summer of 2015, Mr. Thomas and two
2 other individuals called themselves the Bang Brothers.
3 Mr. Thomas' street name was Gambino. From July 2015
4 until Mr. Thomas' arrest in March of 2016, Mr. Thomas
5 bought and sold heroin, methamphetamine and other
6 illegal drugs. Mr. Thomas had multiple sources from
7 whom he bought heroin and methamphetamine. One of his
8 sources of methamphetamine was Noel Solett, a/k/a Miami.
9 Another one of his sources was source two. Mr. Thomas
10 bought crystal methamphetamine from Solett once in
11 January of 2016 and crystal methamphetamine about twenty
12 times from source two in January and February 2016. Mr.
13 Thomas knew that Solett had other customers and that
14 Solett was buying and selling ounces of crystal
15 methamphetamine regularly. Mr. Solett has provided
16 statements to law enforcement that he purchased
17 approximately 1,000 grams of crystal methamphetamine
18 from an individual identified in the indictment as a
19 codefendant named Tyler Johnson between November 2015
20 and February 2016.

21 Mr. Johnson provided statements to law
22 enforcement as well as under oath testimony that he
23 purchased between 15 pounds, which is 6,803 grams
24 approximately, and thirty pounds, which is 13,607 grams
25 approximately, of crystal methamphetamine from Mr.

1 Joshua Voress, who is another codefendant, during that
2 same time period. And that Solett and the individual
3 identified as source two were Mr. Johnson's two primary
4 customers.

5 Had this case proceeded to trial the
6 government would've put on evidence to prove those facts
7 beyond a reasonable doubt. Additionally, Mr. Thomas has
8 admitted that he is a drug addict. From July 2015 to
9 February 2016, Mr. Thomas sold methamphetamine and
10 heroin on the street to support his drug habit. Mr.
11 Thomas also provided methamphetamine and heroin to women
12 who were working as prostitutes. Another member of the
13 Bang Brothers also provided methamphetamine and heroin
14 to women who were working as prostitutes. During this
15 same time period, Mr. Thomas periodically had possessed
16 firearms including but not limited to a revolver and a
17 sawed-off shotgun. Those firearms did not belong to Mr.
18 Thomas, but he borrowed them from others. He possessed
19 those firearms to improve his image and provide
20 protection when there was drug deals and when
21 interacting with others involved in criminal activity.

22 From approximately July 2015 through
23 February 2016, Mr. Thomas along with other unindicted
24 individuals ran a prostitution business that involved
25 multiple women in Roanoke and Charlottesville, including

1 but not limited to individuals identified in the
2 indictment as V1, V2, V3 and V4. Mr. Thomas got the
3 idea from an individual identified as IG who also ran a
4 prostitution business. During this time period, Mr.
5 Thomas was destitute and primarily living out of hotels
6 including the Ramada Inn and Days Inn in Roanoke City.
7 Mr. Thomas posted prostitution advertisements on
8 www.backpage.com through an account on his cellphone
9 that he established using his gmail email address and
10 cellphone number.

11 The customers, otherwise known as Johns,
12 came to the hotels for in-call services. Generally
13 speaking, Mr. Thomas lived off of the money the women
14 earned and the money he made from selling drugs. Mr.
15 Thomas used the money to pay for hotel rooms and buy
16 drugs and food. Mr. Thomas provided illegal drugs
17 primarily methamphetamine and heroin to the women who
18 were working as prostitutes. Mr. Solett frequently
19 visited the hotel where Mr. Thomas was living and Mr.
20 Solett was aware of Mr. Thomas' prostitution activities
21 and Mr. Solett also sold and provided methamphetamine to
22 the prostitutes.

23 From at least September 2015 through
24 February 2016, Mr. Thomas was physically abusive to the
25 individual identified in the indictment as V4 on a

1 regular basis. Mr. Thomas slapped, punched and choked
2 her. On at least one occasion Mr. Thomas held a knife
3 to her throat. On at least one occasion Mr. Thomas
4 tasered her. Mr. Thomas beat her when she was pregnant.
5 Mr. Thomas beat her in front of others including women
6 who were prostituting for him.

7 Mr. Thomas prostituted V4 both in Roanoke
8 and Charlottesville in the fall of 2015 by posting ads
9 on www.backpage.com and collecting the proceeds from her
10 prostitution services. Victim four told law enforcement
11 that she wanted -- that when she wanted to turn down
12 prostitution acts, she quote got into trouble with Mr.
13 Thomas, and he threatened her that she would perform
14 prostitution acts. In January of 2016 victim one worked
15 for Mr. Thomas as a prostitute for four days at the
16 Ramada Inn in Roanoke. Mr. Thomas initially offered to
17 be V1's pimp in exchange for 30 percent of the proceeds
18 of her prostitution services. After she began working
19 for Mr. Thomas, Mr. Thomas ended up with all of the
20 proceeds that V1 earned from prostitution activity,
21 which were used for drugs, food and pay the hotel bill.

22 Mr. Thomas knew that V1 had a drug habit and
23 at times told V1 that he could not buy heroin until
24 after she performed prostitution activity and made money
25 for drugs. There were occasions when Mr. Thomas

1 threatened to physically hurt V1. When she sought to
2 leave the hotel, Mr. Thomas threatened her with physical
3 harm, if she told anyone about their arrangement. Mr.
4 Thomas deleted text messages and other incriminating
5 evidence off of V1's cellphone.

6 In the fall of 2015 through January 2016, V3
7 worked at times as a prostitute for Mr. Thomas and made
8 money off of her prostitution activities. Mr. Thomas
9 knew that V3 had a drug habit and at times he told V3
10 that Mr. Thomas would not be able to get her drugs until
11 after she performed prostitution activities. Mr. Thomas
12 also threatened to physically hurt V3, if she did not
13 quote unquote work; ie, prostitute.

14 Mr. Thomas was arrested on March 3, 2016.
15 While Mr. Thomas was detained in jail pending trial, he
16 made several phone calls to and had jail or video visits
17 with his mother and an individual identified in the
18 indictment as V4. Mr. Thomas requested that they
19 destroy cellphones that contained evidence of his
20 backpage account and asked them to provide false
21 testimony on his behalf, if called as witnesses at his
22 trial.

23 THE COURT: Thank you, Ms. Rottenborn.

24 Mr. Grimes, if you would approach again with
25 Mr. Thomas.

1 I want to clarify a couple of things. Mr.
2 Thomas, do you know the true identities of the
3 individuals identified in the second superseding
4 indictment as V1, V2, V3 and V4?

5 THE WITNESS: Yes, ma'am.

6 THE COURT: The government noted in its
7 proffer of facts that V4 told law enforcement when she
8 wanted to turn down prostitution acts, she got into
9 trouble with you and that you threatened her. Do you
10 agree that was an accurate statement by her?

11 THE WITNESS: Yes, ma'am.

12 THE COURT: Mr. Thomas, do you agree that
13 the facts proffered by the United States are true and
14 accurate?

15 THE WITNESS: Yes, ma'am.

16 THE COURT: Do you agree that if this matter
17 proceeded to trial, the United States would have proven
18 the facts outlined beyond a reasonable doubt?

19 THE WITNESS: Yes, ma'am.

20 THE COURT: Mr. Grimes, is there any dispute
21 about the facts just presented?

22 THE WITNESS: No, Your Honor.

23 THE COURT: Mr. Thomas, anything else in the
24 summary that is not correct?

25 THE WITNESS: No, ma'am.

1 THE COURT: Mr. Thomas, can you tell me in
2 your own words what you did that makes you believe you
3 are guilty of these federal criminal charges?

4 THE WITNESS: I don't know where to start.

5 THE COURT: Let's divide it up. The drug
6 conspiracy. Can you tell me what you did that makes you
7 believe that you are guilty of the drug conspiracy?

8 THE WITNESS: I sold drugs to provide -- to
9 support by drug habit.

10 THE COURT: Did you agree with others to do
11 that?

12 THE WITNESS: Yes, ma'am.

13 THE COURT: Let's talk about possession of a
14 firearm in furtherance of drug-trafficking. What did
15 you do to make you believe you're guilty of that crime?

16 THE WITNESS: I have had firearms over the
17 past year.

18 THE COURT: Was that in furtherance to
19 protect you because you were dealing drugs?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Let's talk about the sex-
22 trafficking charges. What did you do that makes you
23 believe you're guilty of the sex-trafficking by force,
24 fraud or coercion?

25 THE WITNESS: I posted the ads and provided

1 the female prostitutes and also provided them with
2 drugs.

3 THE COURT: Did you threaten them?

4 THE WITNESS: Yes, ma'am.

5 THE COURT: What about the conspiracy to
6 engage in sex-trafficking. Did you agree with others in
7 the pursuit of sex-trafficking?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Did you profit from that?

10 THE WITNESS: Barley.

11 THE COURT: Did you profit in some way from
12 that?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Are you, in fact, guilty of what
15 is charged in the five counts of the indictment?

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Are you pleading guilty of your
18 own free will?

19 THE WITNESS: Yes, ma'am.

20 THE COURT: Mr. Grimes, based on your
21 investigation of the facts of this case and your
22 understanding of Mr. Thomas and what took place in
23 connection with this indictment and your review of
24 discovery and the law, do you believe that Mr. Thomas'
25 plea of guilty is well advised and consistent with those

1 facts?

2 MR. GRIMES: I have reservations about
3 counts one and nine, and I have explained those to my
4 client. Nevertheless, he has elected to enter into the
5 plea agreement which he has an absolute right to do.

6 THE COURT: Other than those reservations,
7 do you know of any reason why Mr. Thomas should not
8 plead guilty?

9 MR. GRIMES: I do not.

10 THE COURT: Mr. Thomas, is there anything
11 you wish to discuss with Mr. Grimes at this point?

12 THE WITNESS: No, ma'am.

13 THE COURT: Knowing that he has reservations
14 about one and nine, do you still wish to go forward with
15 your plea of guilty?

16 THE WITNESS: Yes, ma'am.

17 THE COURT: I understand there is no
18 testimony from victims at this time; is that correct?

19 MS. ROTTENBORN: That's correct, Your Honor.

20 THE COURT: Mr. Thomas, since your plea
21 agreement contains an agreement to dismiss other counts
22 and would bind the Court to impose a term of
23 imprisonment within a specific sentencing range, the
24 rules permit me to defer formal acceptance of your plea
25 agreement until a later time, which I'm going to do.

1 Although I looked over the plea agreement
2 and it appears to be reasonable at this time, the
3 presentence report that's prepared will give me
4 additional information about the conduct that's said to
5 have occurred in more detail about your background. If
6 you plead guilty today, I will consider whether or not
7 to formally accept the plea agreement after I have had
8 the opportunity to more fully understand the facts of
9 your offense and your background. At that point, if I
10 decide to reject the plea agreement, you will then have
11 the opportunity to withdraw your plea and change it to
12 not guilty. Do you understand that?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Before I ask you how you'd like
15 to plead, is there anything you want to talk to Mr.
16 Grimes about?

17 THE WITNESS: No, ma'am.

18 THE COURT: Is there anything else you want
19 to tell me or ask me?

20 THE WITNESS: No, ma'am.

21 THE COURT: Then Mr. Thomas, how do you
22 plead to count one of the second superseding indictment?

23 THE WITNESS: Guilty.

24 THE COURT: How do you plead to count six of
25 the second superseding indictment?

1 THE WITNESS: Guilty.

2 THE COURT: How do you plead to count eight
3 of the second superseding indictment?

4 THE WITNESS: Guilty.

5 THE COURT: How do you plead to count nine
6 of the second superseding indictment?

7 THE WITNESS: Guilty.

8 THE COURT: How do you plead to count 13 of
9 the second superseding indictment?

10 THE WITNESS: Guilty.

11 THE COURT: I want you to listen carefully
12 to Ms. Dozer. She's going to read the written guilty
13 plea form to you and you will then be given a copy.

14 MS. CLERK: Please listen carefully, Mr.
15 Thomas. In the presence of my counsel who has fully
16 explained the charges contained in the second
17 superseding indictment against me and having received a
18 copy of the second superseding indictment from the
19 United States attorney, before being called upon to
20 plead, I hereby plead guilty to said second superseding
21 indictment; counts one, six, eight, nine and 13,
22 thereof. I have been advised of the maximum punishment
23 which may be imposed by the Court for this offense. My
24 plea of guilty is made knowingly and voluntarily and
25 without threat of any kind or without promises other

1 than those disclosed here in open court.

2 THE COURT: A copy of that form is being
3 given to you. I want you to read that with Mr. Grimes.
4 If it's correct and you agree with it, I ask you to sign
5 at the bottom.

6 MS. CLERK: Guilty plea form has been
7 executed, Your Honor.

8 THE COURT: Ms. Rottenborn, did you have a
9 proffered facts to which Mr. Thomas agreed for the
10 record, for the Court's record?

11 MS. ROTTENBORN: Yes, Your Honor.

12 THE COURT: Can you tender that, please.

13 MS. ROTTENBORN: Yes, Your Honor.

14 THE COURT: If you would show that to Mr.
15 Grimes first. The Court accepts the statement of facts.

16 Mr. Thomas, it is the finding of the Court
17 in the case of United States versus Brandon Scott Thomas
18 that the defendant is fully competent and capable of
19 entering an informed plea. That he is aware of the
20 nature of the charges and consequences of his plea of
21 guilty. And his plea of guilty is a knowing, voluntary
22 and supported by an independent basis in fact as to each
23 of the essential elements of all five offenses.

24 I accept the plea, Mr. Thomas, and he is now
25 adjudged guilty of counts one, six, eight, nine and 13

1 of the second superseding indictment.

2 At this time, Mr. Thomas, I am not going to
3 formally accept your plea agreement. Instead, I'll take
4 your agreement under advisement pending receipt of the
5 presentence report. I will then consider whether or not
6 to accept the plea agreement. If I decide to reject the
7 plea agreement, you will then have the opportunity to
8 withdraw your plea and change it to not guilty.

9 Your case will now be referred to the
10 probation office for development of a written
11 presentence report, which will assist the Court in
12 sentencing you. This report is important. That's what
13 I use to determine advisory sentencing guidelines, and I
14 use that information in deciding what range. If I'm
15 bound by the range, I use that information to decide
16 where within that range you will be sentenced. So the
17 Court uses that document to make those decisions. You
18 will be given the opportunity to object, to read that
19 report in advance and object to it. When you meet with
20 probation office, Mr. Grimes will be present with you,
21 if you would like him to do that. I encourage you to
22 cooperate with the probation office in preparing for
23 that report.

24 I remind counsel that written objections to
25 the presentence report must be made within 14 days after

1 receiving the report and also pursuant to a sentencing
2 hearing order will be required to file sentencing
3 memoranda no later than seven days before sentencing.
4 Counsel, if you cannot meet that deadline, please file
5 written motions for an extension of time before the
6 deadline expires.

7 Also, all victims will be afforded an
8 opportunity to be heard at the sentencing. We have a
9 sentencing date of October 3, 2016 at 10:00 a.m. I
10 understand you are in custody and will remain in
11 custody. Is that correct, Mr. Grimes?

12 MR. GRIMES: It is, Your Honor.

13 THE COURT: Counsel, is there any other
14 matters that we need to take up in this case today?

15 MS. ROTTENBORN: No, Your Honor. Thank you.

16 THE COURT: Mr. Grimes?

17 MR. GRIMES: Not from the defense, Your
18 Honor.

19 THE COURT: Then we'll adjourn for the day
20 and, we'll see you back for sentencing on October 3,
21 2016.

22 * * * * *

23 (Proceedings concluded at 2:55 p.m.)
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF COURT REPORTER

I, Janelle A. Mundy, Notary Public in and
for the Commonwealth of Virginia at Large, whose
commission expires July 31, 2020, certify that I
reported verbatim the proceedings in the United States
District Court for the Western District of Virginia, at
Roanoke, Virginia, in the captioned cause, heard by the
Honorable Elizabeth K. Dillon, Judge of said court, on
June 17, 2016.

I further certify that the foregoing
transcript, to the best of my abilities, constitutes a
true, accurate and complete transcript of said
proceedings.

Given under my hand and notarial seal on
this 27th day of October, 2016.

/s/ Janelle A. Mundy
Notary Public for the
Commonwealth of Virginia